IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 13TH NOVEMBER 2006 / 22ND KARTHIKA 1928

WP(C).No. 29660 of 2006(E)

PETITIONER:

ABDUL KHALAM, S/O.KASEEMKUNJU,
SHAJI HOTEL, POST OFFICE JUNCTION,
PUNALUR, KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, LOCAL ADMINISTRATION,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE PUNALUR MUNICIPALITY PUNALUR
REPRESENTED BY ITS SECRETARY.

R2 BY ADV. SRI.B.KRISHNAMANI
R1 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

- -

W.P.(C)No.29660 of 2006

- -

Dated: 13th November, 2006

JUDGMENT

The grievance of the petitioner who is conducting 'Shaji Hotel' near Post Office Junction, Punalur is that the 2nd respondent-Municipality is not passing orders on Ext.P2 application submitted by him for renewal of trade licence for the year 2006-07. According to the petitioner, the reason for the Municipality's diffidence in the matter is that some complaints have been raised by the local people regarding the sufficiency of the drainage facilities available in the hotel. According to the petitioner, he applied to the Municipality itself for road cutting for the purpose of constructing a link to the Municipality drain on the side of the road and relies on Ext.P4 in this regard. Presently there is proper drainage facility and there is no reason as to why the Municipality should not renew the licence or grant licence.

2. Mr.B.Krishna Moni, learned Standing Counsel for the 2nd respondent-Municipality submitted on the basis of the instructions received by him that the Municipality has issued notice to the petitioner suspending the licence. He further submitted that a complaint is already filed before the local Magistrate Court against the discharge and effluents and the pollution problems generated by

conduct of the hotel by the petitioner. There is protest from local public also.

3. Having regard to the rival submissions made before me, I do not propose to examine the merits of the claims and contentions. Ext.P2 appears to be pending before the Municipality. The petitioner is also permitted to file additional objections against the order passed by the Municipality suspending his licence. The Municipality will take up Ext.P2 along with additional objections, if those objections are filed by the petitioner within 10 days of his receiving a copy of this judgment, hear the petitioner and also anybody else who in the opinion of the 2nd respondent ought to be heard in the matter and take a correct and just decision on the petitioner's request for grant/renewal of licence or revocation of the suspension order. The decision as directed above will be taken by the 2nd respondent at the earliest and at any rate within six weeks of their receiving the additional objections from the petitioner. Till then as regards the conduct of the hotel, status quo obtaining as on today will be maintained on condition that the petitioner will ensure that the waste water and other effluents discharged from the hotel are properly

drained out to the drains and not to the road surface.

The Writ Petition will stand disposed of as above.

srd **PIUS C.KURIAKOSE, JUDGE**